

MAR 26 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ZARUDIN PANDIANGAN;
YAN PETER DESNAR PANDIANGAN;
NOVENTLY PANDIANGAN;
NOVRY PANDIANGAN; and
FEBRIAN PANDIANGAN,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 05-70534

Agency Nos. A75-972-253
A78-020-371
A78-020-374
A78-020-375
A78-020-380

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 18, 2008**

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Zarudin Pandiangan and his family are all natives and citizens of Indonesia. They petition for review of a Board of Immigration Appeals' order dismissing their appeal from an immigration judge's ("IJ") decision denying their claims for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction under 8 U.S.C. § 1252. We deny the petition for review.

We do not consider petitioners' asylum claim, because petitioners failed to raise any challenge to the IJ's finding that they did not meet the one-year deadline to file their asylum application or qualify for an exception to the deadline. *See Martinez-Serrano v. INS*, 94 F.3d 1256, 1259-60 (9th Cir. 1996).

Substantial evidence supports the IJ's denial of withholding of removal, because the record does not compel a finding that it is more likely than not that petitioners will be persecuted on account of their religion if they return to Indonesia. *See Hakeem v. INS*, 273 F.3d 812, 816-17 (9th Cir. 2001); *see also Lolong v. Gonzales*, 484 F.3d 1173, 1179-81 (9th Cir. 2007) (en banc).

05-70534

Substantial evidence also supports the denial of CAT relief, because petitioners did not establish that it is more likely than not that they will be tortured if they return to Indonesia. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

PETITION FOR REVIEW DENIED.